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UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 In re: Investigation of
12 Tigran Sargsyan et al.

No. 2:23-MJ-2972

STIPULATION AND JOINT REQUEST FOR
A PROTECTIVE ORDER REGARDING
DISCOVERY CONTAINING PERSONAL
IDENTIFYING INFORMATION

PROPOSED ORDER FILED SEPARATELY

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18 Plaintiff, United States of America, by and through its counsel
19 of record, the United States Attorney for the Central District of
20 California and Assistant United States Attorney Hava Mirell, and
21 Tigran Sargsyan ("Sargsyan" or "the target"), by and through
22 Sargsyan's attorney, Garo Ghazarian (collectively the "parties"),
23 for the reasons set forth below, request that the Court enter the
24 proposed Protective Order (the "Protective Order") governing the use
25 and dissemination of personal identifying information ("PII") of
26 real persons pursuant to Federal Rule of Criminal Procedure Rule
27 16(d) .
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1 Introduction and Grounds for Protective Order

2 1. The government is investigating Sargsyan for potential
3 violations of of 18 U.S.C. §§ 1341 (mail fraud), 1343 (wire fraud),
4 1344 (bank fraud), 1028A (aggravated identity theft), 1956 (money
5 laundering), and 1349 (conspiracy to commit mail and wire fraud)
6 ("Target Offenses"). The government wishes to produce pre-indictment
7 discovery to Sargsyan.

8 2. A Protective Order is necessary because the government
9 intends to produce to the defense materials potentially containing
10 third parties' PII. The government believes that disclosure of this
11 information without limitation risks the privacy and security of the
12 information's legitimate owners. Because the government has an
13 ongoing obligation to protect third parties' PII, the government
14 cannot produce to the targets an unredacted set of discovery
15 containing this information without the Court entering the
16 Protective Order. Moreover, PII makes up a significant part of the
17 discovery in this case and such information itself, in many
18 instances, has evidentiary value. If the government were to attempt
19 to redact all this information in strict compliance with Federal
20 Rule of Criminal Procedure 49.1, the Central District of
21 California's Local Rules regarding redaction, and the Privacy Policy
22 of the United States Judicial Conference, the defense would receive
23 a set of discovery that would be highly confusing and difficult to
24 understand, and it would be challenging for defense counsel to
25 adequately evaluate the case, provide advice to the target, or
26 prepare for trial.

27 3. The purpose of the Protective Order is to (a) allow the
28 government to comply with its discovery obligations while protecting

1 this sensitive information from unauthorized dissemination, and
2 (b) provide the defense with sufficient information to adequately
3 represent the target.

4 Definitions

5 4. The parties agree to the following definitions:

6 a. "PII Materials" includes any information that can be
7 used to identify a person, including a name, address, date of birth,
8 Social Security number, driver's license number, telephone number,
9 account number, email address, or personal identification number.

10 b. "Confidential Information" refers to any document or
11 information containing PII Materials that the government produces to
12 the defense pursuant to this Protective Order and any copies
13 thereof.

14 c. "Defense Team" includes (1) the target's counsel of
15 record ("defense counsel"); (2) other attorneys at defense counsel's
16 law firm who may be consulted regarding case strategy in this case;
17 (3) defense investigators who are assisting defense counsel with
18 this case; (4) retained experts or potential experts; and
19 (5) paralegals, legal assistants, and other support staff to defense
20 counsel who are providing assistance on this case. The Defense Team
21 does not include the target, the target's family members, or any
22 other associates of the target.

23 Terms of the Protective Order

24 5. The parties jointly request the Court enter the Protective
25 Order, which will permit the government to produce Confidential
26 Information in a manner that preserves the privacy and security of
27 third parties. The parties agree that the following conditions in
28 the Protective Order will serve these interests:

1 a. The government is authorized to provide defense
2 counsel with Confidential Information marked with the following
3 legend, "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
4 ORDER," or otherwise denoted as subject to the protective order in
5 the discovery index. The government may put that legend on the
6 digital medium (such as DVD or hard drive) or simply label a digital
7 folder on the digital medium to cover the content of that digital
8 folder. The government may also redact any PII contained in the
9 production of Confidential Information.

10 b. If the target objects to a designation that material
11 contains Confidential Information, the parties shall meet and
12 confer. If the parties cannot reach an agreement regarding the
13 target's objection, the target may apply to the Court to have the
14 designation removed.

15 c. The target and the Defense Team agree to use the
16 Confidential Information solely to prepare for any pretrial motions,
17 plea negotiations, trial, and sentencing hearing in this case, as
18 well as any appellate and post-conviction proceedings related to
19 this case.

20 d. The Defense Team shall not permit anyone other than
21 the Defense Team to have possession of Confidential Information,
22 including the target, while outside the presence of the Defense
23 Team.

24 e. At no time, under no circumstance, will any
25 Confidential Information be left in the possession, custody, or
26 control of the target, regardless of the target's custody status.

27 f. The target may review PII only in the presence of a
28 member of the Defense Team, who shall ensure that the target is

1 never left alone with any PII Materials. At the conclusion of any
2 meeting with the target at which the target is permitted to view PII
3 Materials, the target must return any PII Materials to the Defense
4 Team, and the member of the Defense Team present shall take all such
5 materials with him or her. The target may not take any PII Materials
6 out of the room in which the target is meeting with the Defense
7 Team.

8 g. The target may see and review Confidential
9 Information as permitted by this Protective Order, but the target
10 may not copy, keep, maintain, or otherwise possess any Confidential
11 Information in this case at any time. The target also may not write
12 down or memorialize any data or information contained in the
13 Confidential Information.

14 h. The Defense Team may review Confidential Information
15 with a witness or potential witness in this case, including the
16 target. A member of the Defense Team must be present if PII
17 Materials are being shown to a witness or potential witness. Before
18 being shown any portion of Confidential Information, however, any
19 witness or potential witness must be informed of, and agree in
20 writing to be bound by, the requirements of the Protective Order. No
21 member of the Defense Team shall permit a witness or potential
22 witness to retain Confidential Information or any notes generated
23 from Confidential Information.

24 i. The Defense Team shall maintain Confidential
25 Information safely and securely, and shall exercise reasonable care
26 in ensuring the confidentiality of those materials by (1) not
27 permitting anyone other than members of the Defense Team, the
28 target, witnesses, and potential witnesses, as restricted above, to

1 see Confidential Information; (2) not divulging to anyone other than
2 members of the Defense Team, the target, witnesses, and potential
3 witnesses, the contents of Confidential Information; and (3) not
4 permitting Confidential Information to be outside the Defense Team's
5 offices, homes, vehicles, or personal presence.

6 j. To the extent that the target, the Defense Team,
7 witnesses, or potential witnesses create notes that contain, in
8 whole or in part, Confidential Information, or to the extent that
9 copies are made for authorized use by members of the Defense Team,
10 such notes, copies, or reproductions become Confidential Information
11 subject to the Protective Order and must be handled in accordance
12 with the terms of the Protective Order.

13 k. The Defense Team shall use Confidential Information
14 only for the litigation of this matter and for no other purpose.
15 Litigation of this matter includes any appeal filed by the target
16 and any motion filed by the target pursuant to 28 U.S.C. § 2255. In
17 the event that a party needs to file Confidential Information with
18 the Court or divulge the contents of Confidential Information in
19 court filings, the filing should be made under seal. If the Court
20 rejects the request to file such information under seal, the party
21 seeking to file such information publicly shall provide advance
22 written notice to the other party to afford such party an
23 opportunity to object or otherwise respond to such intention. If the
24 other party does not object to the proposed filing, the party
25 seeking to file such information shall redact any PII Materials and
26 make all reasonable attempts to limit the divulging of PII
27 Materials.
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1 l. The parties agree that any Confidential Information
2 inadvertently produced in the course of discovery prior to entry of
3 the Protective Order shall be subject to the terms of the Protective
4 Order. If Confidential Information was inadvertently produced prior
5 to entry of the Protective Order without being marked "CONFIDENTIAL
6 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," or otherwise
7 being denoted as subject to the protective order on the discovery
8 index, the government shall reproduce the material with the correct
9 designation and notify defense counsel of the error. The Defense
10 Team shall take immediate steps to destroy the unmarked material,
11 including any copies.

12 m. Confidential Information shall not be used by the
13 target or Defense Team, in any way, in any other matter, absent an
14 order by this Court. All materials designated subject to the
15 Protective Order maintained in the Defense Team's files shall remain
16 subject to the Protective Order unless and until such order is
17 modified by this Court. Upon request by the government, defense
18 counsel shall return all PII Materials, certify that such materials
19 have been destroyed, or certify that such materials are being kept
20 pursuant to the California Business and Professions Code and the
21 California Rules of Professional Conduct.

22 n. In the event that there is a substitution of counsel
23 prior to when such documents must be returned, new defense counsel
24 must be informed of, and agree in writing to be bound by, the
25 requirements of the Protective Order before the undersigned defense
26 counsel transfers any Confidential Information to the new defense
27 counsel. New defense counsel's written agreement to be bound by the
28 terms of the Protective Order must be returned to the Assistant U.S.

1 Attorney assigned to the case. New defense counsel then will become
2 the Defense Team's custodian of materials designated subject to the
3 Protective Order and shall then become responsible, upon the
4 conclusion of appellate and post-conviction proceedings, for
5 (1) returning to the government, certifying the destruction of, or
6 retaining pursuant to the California Business and Professions Code
7 and the California Rules of Professional Conduct all PII Materials.

8 o. Defense counsel agrees to advise the target and all
9 members of the Defense Team of their obligations under the
10 Protective Order and ensure their agreement to follow the Protective
11 Order, prior to providing the target and members of the Defense Team
12 with access to any materials subject to the Protective Order.

13 p. Defense Counsel has conferred with the target
14 regarding this stipulation and the proposed order thereon, and the
15 target agrees to the terms of the proposed order.

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1 q. Accordingly, the parties have agreed to request that
2 the Court enter a Protective Order in the form submitted herewith.

3 IT IS SO STIPULATED.

4 Dated: June 7, 2023

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United States Attorney

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7 Chief, Criminal Division

8 /s/ Hava Mirell
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10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA
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